

EAST AYRSHIRE COUNCIL

APPEALS PANEL

**MINUTES OF MEETING HELD ON TUESDAY 29 MARCH 2011 AT 1000 HOURS
IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors Kathy Morrice, Maureen McKay, Tom Cook, Robert McDill and Moira Pirie.

ATTENDING: Craig Young, Team Leader, Litigation and Advice/Advisor to the Panel; and Gillian Hamilton, Administrative Officer.

CHAIR: Councillor Kathy Morrice, Chair.

APPOINTMENT OF CHAIR

1. It was unanimously agreed to appoint Councillor Kathy Morrice as Chair.

EXCLUSION OF PRESS AND PUBLIC

2. It was agreed that under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the Press and public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 7A of the Act.

HEARING PROCEDURE

3. The Panel noted the Appeals Hearing Procedure (circulated) to be followed at the meeting.

PRELIMINARY MATTER

4. As a preliminary matter, the management's representatives requested and were provided with clarification from the appellant's representatives, on the reason for this appeal being deferred on 22 February 2011, which was after the closing date of 18 February 2011 for the consultative ballot with trade union members.

It was noted that, due to the requirement for Union Full-Time Officials to be present during the count, this had not taken place and the Unions had not finalised their position, until after the meeting date of 22 February 2011.

CONSIDERATION OF GRIEVANCE APPEAL NO G1/11

5. There were submitted productions from the appellant's representatives and productions by the management's representatives (all circulated).

The Panel heard evidence from the appellant's representatives, and from the management's representatives, who spoke to all matters raised, all in accordance with the agreed Hearing Procedure.

SUPPLEMENTARY MATTER

6. The appellant's representatives advised the Panel that some of the page numbers in their productions were out of sequence, and directed Panel members to the relevant pages.

ADJOURNMENT/RECONVENTION

7. The meeting adjourned at 1208 hours and reconvened at 1246 hours with the same members and officers present and in attendance.

OUTCOME OF APPEAL

8. Having heard both parties, the Panel agreed by majority that the grounds of the appeal had not been substantiated and the appeal was not upheld.

The meeting terminated at 1500 hours.